

SUMMARY OF PILOT STUDIES PROVISIONS IN HB 1810

Purpose

- Evaluate alternative methods for accomplishing faster, less expensive and equally protective cleanups at complex sites.
- Conduct supplemental or additional risk assessments or other analyses to explore improved methods of accomplishing cleanup under the Model Toxics Control Act (MTCA) at the Potentially Liable Person's expense.
- Provide information to the Policy Advisory Committee regarding progress at pilot sites for the committee's use in developing policy recommendations.

Eligibility of Pilot Sites

- Site is conducting remedial actions under an order, agreed order, or consent decree.
- There is no significant opposition from the public potentially affected by the site.

Other Criteria for Pilot Site Selection

- Presence of multiple parties and a willingness of these persons to participate in a pilot project.
- Preference is given to sites contaminated as a result of current or past industrial activities.
- Preference is given to sites that are in the process of preparing or for which there is a recently completed remedial investigation/feasibility study (RI/FS).
- The degree of community support for selecting a site as a pilot project site.

Constraints

- Pilot projects shall comply with the MTCA and the rules adopted under MTCA.
- Public participation in the cleanup process for these sites shall be as provided in the MTCA rules.

Process

- To determine the degree of community support, the department shall first consult with interested community and environmental groups.
- Before proposing a site as a pilot project the department shall issue a public notice identifying the site and seeking public comment on the potential for the site to be a pilot project site.
- The Policy Advisory Committee shall select two pilot projects from a list of proposed pilot sites provided by the department.

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Schedule

- Select 2 pilot projects no later than October 1, 1995.
- The department shall submit a status report to the Policy Advisory Committee on progress of pilot projects no later than March 31, 1996.
- Submit a report highlighting the policy issues raised by the pilot projects to the Policy Advisory Committee within 90 days after the comment period ends on the remedial investigation/feasibility study for the site.

Ecology Responsibilities

- Include any alternative risk assessment or other analyses in the remedial investigation/feasibility study requirements.
- Provide technical assistance to identify an appropriate scope for such supplemental analyses.
- Establish a reasonable schedule for the preparation of any supplemental analyses.
- The analyses shall be included in the Remedial Investigation/Feasibility Study regardless of whether the department fully concurred in their scope.
- The department may simultaneously prepare or commission its own supplemental analyses at its own expense, as distinct from department conducted or department commissioned or contracted technical review of supplemental analyses prepared by PLPs.
- In consultation with the Potentially Liable Persons and the affected public for each site, the department's site managers shall to the fullest extent possible use the administrative principles set forth, for both the cleanup process and the cleanup standards, as well as other flexible tools available in the rules adopted under MTCA.
- The public participation plan for each site shall be designed or revised to educate and involve the public on the nature of the pilot project, the specific issues being explored at the site, and the purpose and scope of any alternative or supplemental analyses.
- Prepare a report on each pilot project highlighting any policy issues raised as a result of the pilot project.
- Provide a copy of the RI/FS and any supplemental analyses and public comments received for each pilot project to the PAC.

Potentially Liable Person Responsibilities

- Willing to participate in a pilot project.
- Incur expense of supplemental analyses.
- Preparation and evaluation of any supplemental analyses shall not result in a delay in remedial actions at the pilot sites.
- Comply with MTCA rules.

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For MTCA Policy Advisory Committee
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